

Senate Study Bill 1047 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to electronic presence for purposes of
2 executing wills and codicils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.279, Code 2023, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 3. *Electronic presence requirements.* For
4 electronic presence, the testator must provide correct verbal
5 responses to all of the following before signing, in addition
6 to satisfying the other requirements of this section:

7 a. Are you currently married? If so, please state the name
8 of your spouse.

9 b. Please state the names of anyone who assisted you in
10 accessing the means of your electronic presence today.

11 c. Please state the names of anyone who assisted you in
12 preparing or reviewing the documents you are signing today.

13 d. Where are you currently located?

14 e. Who is in the room with you?

15 NEW SUBSECTION. 4. *Definition.* For purposes of this
16 section, "presence" means any manner, physical or electronic,
17 in which the witness and testator can see and hear the acts of
18 each other in real time.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill authorizes the electronic presence of testators
23 and witnesses in executing wills and codicils and creates
24 associated requirements. The bill defines the term "presence"
25 to mean any manner, physical or electronic, in which the
26 witness and testator can see and hear the acts of each other in
27 real time. The bill requires a testator present electronically
28 to respond to a series of requests set forth in the bill prior
29 to signing a will or codicil.